

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

★ MAY 25 2022 ★

LONG ISLAND OFFICE

JOHN JIMENEZ

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

ROGER CHUNG,
TOOLCHAND BISRAM

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil
Rights

(Non-Prisoner Complaint)

Case No. **CV 22 3090**

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

AZRACK, J.

SHIELDS, M.J.

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>JOHN JIMENEZ</u>
Street Address	<u>P.O. BOX 801</u>
City and County	<u>LONG BEACH, NASSAU COUNTY</u>
State and Zip Code	<u>NEW YORK 11561</u>
Telephone Number	<u>(516) 450-1535</u>
E-mail Address	<u>johnjimenez2092@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	<u>ROGER CHUNG</u>
Job or Title (if known)	<u>Senior Parole Officer</u>
Street Address	<u>250 Fulton Ave.</u>
City and County	<u>Hempstead, Nassau County</u>
State and Zip Code	<u>New York 11550</u>
Telephone Number	<u>(516) 485-2660</u>
E-mail Address (if known)	<u>—</u>

Defendant No. 2

Name TOOLCHAND BISRAM
Job or Title Parole Officer
(if known)
Street Address 250 Fulton Avenue
City and County Hempstead, Nassau County
State and Zip Code New York 11550
Telephone Number (516) 485-2660
E-mail Address _____
(if known)

Defendant No. 3

Name _____
Job or Title _____
(if known)
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

Defendant No. 4

Name _____
Job or Title _____
(if known)
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☒ State or local officials (a § 1983 claim)
☐ Federal officials (a *Bivens* claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

14th Amendment, Title 18 U.S.C. §§ 241,
242.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Senior Parole Officer Roger CHUNG and Parole Officer
TOOLCHAND BISRAM was acting under Correction Law §10(1),
Executive Law §259 and New York State Parole Handbook.

Senior Parole Officer Roger Chung and Parole Officer Toolchand Bisram are Field Parole Officers whose responsibilities and priorities owed to Plaintiff are to respond to the needs and services and assistance to increase the likelihood that the parolee will succeed in the community. Field Parole Officers work in the community and coordinate the delivery of services, help to motivate and guide parolees under supervision through accepted casework techniques, and report on parolee progress.....

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

at the Hempstead, Nassau County Area
Parole Office, 250 Fulton Avenue, 2nd Floor
and 1st floor of Parole Office.

B. What date and approximate time did the events giving rise to your claim(s) occur?

Exactly March 15th, 2022

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

1. On or about February, 2021, Parole Officer
Toolchand BISRAM prepared Plaintiff's discharge
from Parole Supervision paperwork.
2. Approximately two months later on April 16,
2021, the discharge from Parole Supervision
from the Board of Parole was granted (See
EXHIBIT-A-DISCHARGE PAPERWORK).
3. Plaintiff contends that once the Board of
Parole discharged him, the Board of Parole
contacted the Division of Parole of 250 Fulton
Avenue, Hempstead, New York, 2nd Floor of
the Area Office who is the Senior Parole

**next page*

Officer defendant Roger Chung.

4. Defendant Senior Parole Officer Roger Chung was required to contact the Plaintiff's Parole Officer, defendant Toolchand Bisram, located downstairs on First Floor of Hempstead, New York Area Parole Office, in which case, defendant Bisram was required to contact the Plaintiff by phone or personal visit to his home or place of work to deliver the good news.

5. Plaintiff contends he did not receive notice of his official discharge from parole supervision until *(March 15, 2022) at the Hempstead Area Office and again by mail on or about *(April 21, 2022). **(EXHIBIT B)**.

6. Plaintiff contends *(11 months) had already elapsed by the time the defendants Senior Parole Officer Roger Chung and Parole Officer Toolchand Bisram informed him of the unlawful notice of his official discharge from parole supervision.

7. Plaintiff contends Defendants Senior Parole Officer Roger Chung and Parole Officer Toolchand Bisram deliberately and intentionally withheld this important information from him to wrongfully keep plaintiff on parole to deprive him of his rights under color of law to be free from unlawful parole supervision.

8. Defendant Toolchand Bisram misled Plaintiff to believe he still had to report to the Area Parole Office two times a month, and to continue on his (8pm curfew).

9. Defendant Toolchand Bisram would make constant unannounced visits to Plaintiff home and his work place.

10. Defendant Toolchand Bisram misled Plaintiff's wife to believe that he was still on parole and had to be in the house by (8pm) as if the Plaintiff was a 'criminal on parole.'

11. Plaintiff contends while remaining on 'unlawful' parole against his will, defendants Senior Parole Officer Roger Chung and Parole Officer Toolchand Bisram deprived him of his liberty interest to live a normal "parole free" life of enjoyment without worrying whether he will be violated for being late for a curfew or not reporting on time.

12. Plaintiff contends defendants Senior Parole Officer Roger Chung and Parole Officer Toolchand Bisram illegally and unlawfully kept him on 'parole supervision' as retaliation against the new changes in the parole laws and punished the Plaintiff with an extra *(11 months) of parole supervision.

13. Defendants Senior Parole Officer Roger Chung and Parole Officer Toolchand Bisram had actual and constructive knowledge of what they were doing by not informing the Plaintiff he was discharged from parole supervision.

14. Plaintiff contends defendants Senior Parole Officer Roger Chung and Parole Officer Toolchand Bisram motion to dismiss my case must be denied.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

PUNITIVE DAMAGES: to reform and/or deter this type of behavior of depriving Plaintiff of his liberty from parole supervision, \$1,000,000.00. Initiate a criminal investigation through the F.B.I. and U.S. Attorney's office on the deprivation of rights under color of law to be free from unlawful parole supervision. And Attorney's Fees.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: May 12TH, 2022

Signature of Plaintiff

Printed Name of Plaintiff

JOHN JIMENEZ